

2020 Biennial Reports on Victimizaton & Victim Services in Idaho

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Presentation for Idaho Criminal Justice Commission January 29, 2021

Background

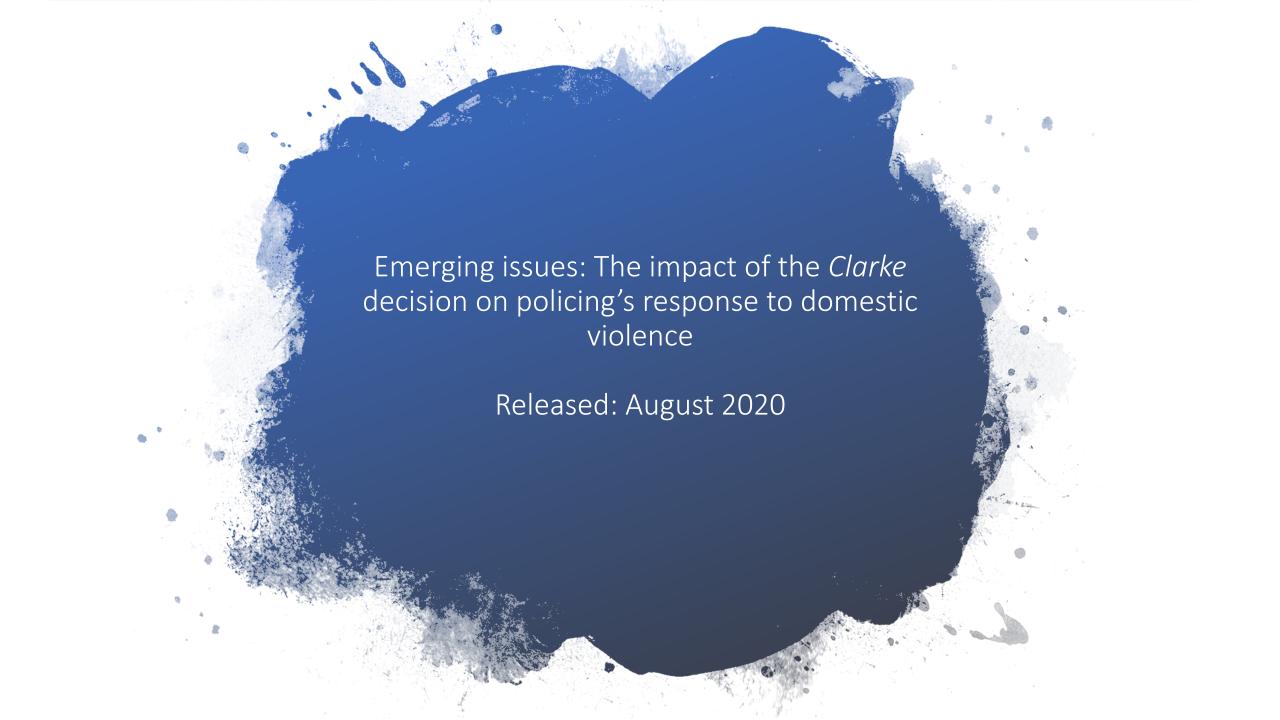
• Biennial Report on Victimization & Victim Services in Idaho





Background

- Contract period: 2019-2023
- Two series of at least 4 reports
 - Victim services agency survey
 - Crime victim survey
 - SAKI impact evaluation
 - Emerging issues in victimization & victim services
- As of 1/25/21, all reports have been publicly released.



2020 Biennial Report on Victimization & Victim Services in Idaho, Volume 1, Issue 1

Emerging Issues in Victimization: The Impact of the Clarke Decision on Policing's Response to Victimization



What is the Clarke Decision?

The Clarke decision made it unlawful for police to make an arrest in misdemeanor crimes that happen outside their presence without a signed warrant from a judge. Unfortunately this also applies to domestic violence incidents.

Impacts



The response a citizen receives is dependent upon where they live in Idaho. There is no consistent response provided by policing agencies.



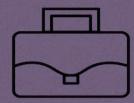




Officers have begun recommending that victims seek civil protection orders. Violations to these orders however are still misdemeanors that officers can't intervene in because of the *Clarke* decision.



As a result of the inability for officers to remove suspects from the scene of a domestic violence incident, victims are encouraged to leave despite many issues with this solution.







Victim service agencies report difficulties in accessing victims to offer services due to safety concerns that offenders are still present and may become aware that the victim is seeking services.



Victim service agencies report that policing agencies' response post-Clarke possibly harms the policevictim relationship resulting in victims' reluctance to call the police during subsequent victimizations.







Officers have begun using citations as opposed to obtaining an arrest warrant to immediately remove the suspect. As a result, court appearances are delayed 14-21 days after the original domestic violence incident occurs.

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The Clarke Decision: Study Overview

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16 Total Policing Agency Interviews

6 Total Independent Victim Service Agency Interviews

Immediate Reaction to the Clarke Decision

82%

of agencies expressed immediate <u>concern for victim safety</u>

77%

of agencies reported feeling shocked & confused

"Huge step backwards"

55%



of agencies reported an immediate <u>worry about</u> how to respond to domestic violence calls

"Everyone was in panic mode" agencies reported

having prior knowledge of the impeding decision

40.9%
of agencies reported a perceived Increase in Citation Use

36.4%

of agencies reported a perceived <u>Increase</u> <u>in Warrant Use</u>

On average, policing agencies reported an additional 45-90 minutes at DV incidents attempting to obtain a warrant.

"Made us they think they forgot about the victims"

36.4%
of agencies reported
a perceived
Increase in Felony
Arrests



83.3%

of victim service agencies reported a <u>perceived</u> <u>decrease in arrests</u> <u>for misdemeanor</u> <u>domestic violence</u>

Suspect Responses

- Impatient
- Emboldened
- Surprised at not being arrested

"Fust take me to jail"

All victim service agencies reported changes to how they provide services to victims

63%

of victim
service agencies
reported <u>increased time</u>
<u>explaining to victims</u>
<u>the police response</u>

"Victims are not getting information from officers"

89%

of victim services
agencies reported
difficulty in contacting
or accessing victims to
offer services due to
safety concerns for the
victim if the offender is
still present

75%

of victim
service agencies
reported an increase in
civil protection order
assistance

"Where is the validity of the [civil] protection order now?"

The same two researchers conducted all interviews and used a standard series of open-ended questions. Responses were captured via note-taking and not recorded.

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22 agency interviews were conducted assessing the impact of the Clarke decision on policing's response to victimization.

Researchers found that the primary issue emanating from the loss of warrantless arrest in misdemeanor domestic violence by the Clarke decision is the safety of victims and their children.

Recommendations to Improve Domestic Violence Response in Idaho

1



Invest in community-based victim services statewide.

- New resources in areas without victim services
- Increase staffing, emergency housing, financial assistance, counseling & legal assistance.



2

Invest in victim-witness units within policing agencies.

- New units in jurisdictions without them
- Increased staffing in existing units to allow for on scene response with officer on DV calls



Community-based agencies provide victim assistance regardless of contact with the criminal justice system.



Funding priority should be given to community-based victim services when population numbers and/or prevalence rates don't justify the funding of both victim-witness units and community-based agencies.





On-scene response by victim services.

On-scene response by victim services should be considered the standard practice of care when victims have contact with the criminal justice system.



Training on:

Accessing & providing services to victims when offender interference is likely.





Invest in basic victim services trainings.

- Twice a year
- Held at different locations across the state







Pass a constitutional amendment to reinstate the option of warrantless arrest for select crimes, based on their propensity for future physical harm.





Use of on-scene assessment tools that provide information on possible level of dangerousness and/or lethality should be considered standard practice across all policing agencies.



Mandate telephonic and electronic warrant availability across the state.





Institute a telephonic and electronic emergency civil protection order process for policing agencies.

10

A 24-hour window of appearance should be considered standard practice when citations are issued for domestic violence and/or other related crimes.



When domestic violence cases are referred to prosecutors for review, they should be triaged or prioritized to reduce delays in charging decisions.

12

As standard practice while on-scene, police should directly connect victims to victim services.





As opposed to handing out materials concerning available services.

Training on:

- Use of on-scene risi assessments
- Alternatives for police response
- Investigatory skills specific to dv
- Trauma-focused approaches





Invest in mandatory POST and CEU training on domestic violence.



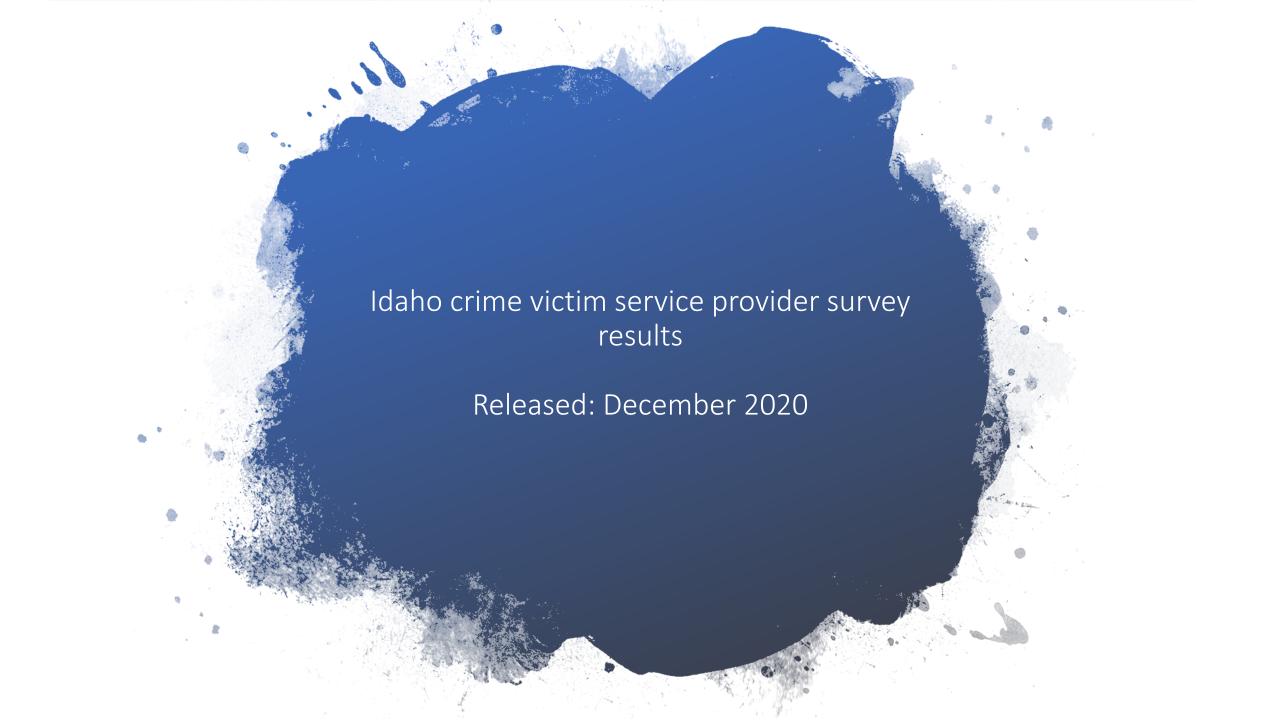
Locations with established relationships and coordination across victim service agencies and the criminal justice system were better prepared to deal with the challenges that the Clarke decision has brought about.

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Establish coordinated community response teams or task forces in all counties.



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Idaho Crime Victim Service Provider Survey

Overview

The purpose of the crime victim service provider survey was to understand agency characteristics, services, needs, and barriers in 2019. A total of 103 agencies were contacted to participate and were sent a link to the online survey administered through Qualtrics.



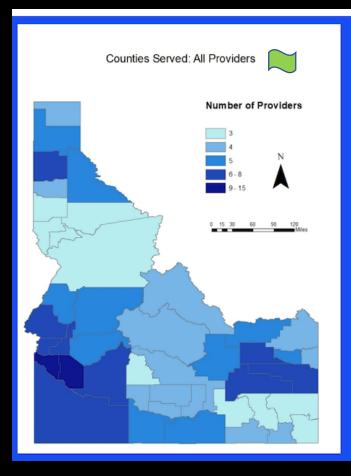
- Recipients of Victims of Crime Act (VOCA) funding
- Member agencies of the Idaho Coalition Against Sexual and Domestic Violence (ICASDV)
- Victim Witness Programs

Survey response rate of 35%

- 11 Victim witness units (6 police & 5 prosecution)
- 10 Community-based victim service agencies
- Other service providers (e.g. family justice center, refugee resettlement, government victim services, civil legal services
- 3 Child advocacy centers
- 3 Multiple agency functions (e.g., between community based and family justice cener)

What information was gathered?

- Number and type of crime victims served
- Contact with underserved/vulnerable populations
- Breadth of services provided
- Services the agency needed, but was unable to offer
- Barriers faced by the agency
- If satisfaction surveys or evaluations were administered
- Agency characteristics (e.g., sources of funding, number of employees, training requirements, and agency service area)



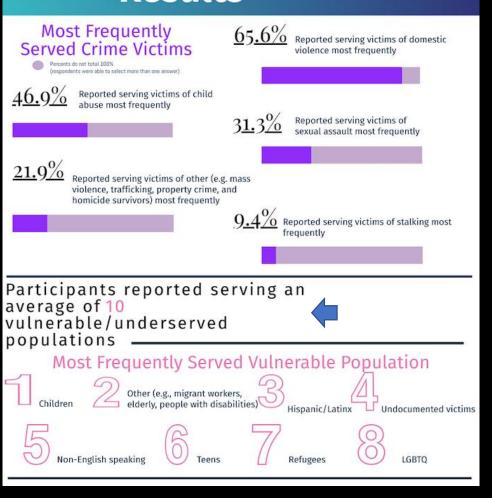
Participating agency locations & service area

80.6%	Of participating agencies are located in metro
	counties (i.e., more urban)

- **63.7%** Reported serving 1-2 counties
- **57.6%** Serve one or more non-metro counties (i.e., more rural)
- **10** Counties were served by only three participating agencies that serve the entire state

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Idaho Crime Victim Service Provider Survey Results



Needed Services



Housing & Shelter

Emergency Services (e.g., food & clothing)





Individual counseling

Most Common Services Provided





Victims' rights info



Assistance obtaining victim compensation



Accompaniment to court



Crisis intervention, emergency services



Protection order assistance

Reported 3 or more barriers to service provision_

Most Impactful Barriers





Funding Restrictions Community Awareness





Staffing Shortages



Rurality & Isolation



Referrals & Resources

Community-based agencies & agencies that are located in, or serving, non-metro areas were significantly more likely to report facing 3 or more barriers.



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2020 Biennial Report on Victimization and Victim Services in Idaho

Idaho Crime Victim Service Provider Survey

Recommendations



Funding

Majority of agencies indicated that their agency relies on federal funding or donations





Provide state-appropriated funding for crime victim services in Idaho



Identify proactive strategies to address funding restriction barriers



Training providers should collaborate to offer training in a variety of modes including in-person & online opportunities across the state





Offer a variety of training topics based on agency needs





Disseminate information about online training opportunities through national organizations





Conduct victim satisfaction surveys on an on-going basi



Provide easily accessible evaluation resources to service providers



Utilize the online crime victim survey being administered in Idaho as part of the Biennial Report on Victimization & Victim Services

The wide range of populations served highlights the need for a diverse array of services and innovative ways to meet the needs of all crime victims





Populations Served 0.0

Continue to provide services to crime victims who most frequently seek services (e.g., domestic violence, sexual assault, child



Continue efforts to reach traditionally vulnerable and underserved communities (e.g., children and teens, rural, Hispanic/Latinx people with disabilities)

13

Expand efforts to reach migrant, refugee, and undocumented communities who may be fearful of seeking services 14

Continue outreach to rural communities and consider ways to mitigate obstacles of geographic isolation



Organize a summit of stakeholders to evaluate potential solutions to reaching and serving migrant, refugee, undocumented, and rural communities





16

Continue to provide the most needed, evidence-based, and trauma-informed services

17

Expand the availability of shelter/housing resources, child care, and individual counseling





Barriers



Promot collabo resource commu

Promote interagency collaboration to enable resource sharing and bolster community awareness



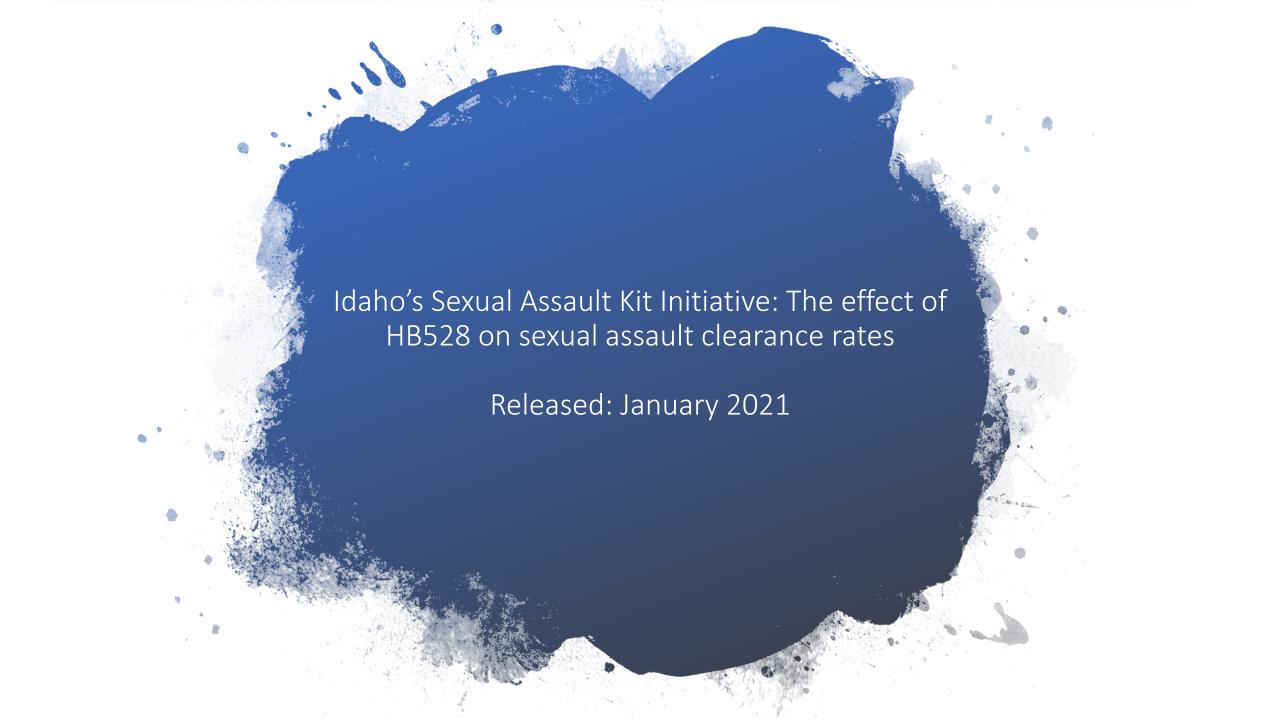
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Provide additional resources to agencies impacted by service provision barriers, particularly community-based victim service agencies and agencies located in, or serving, more rural areas

2020 Biennial Report on Victimization and Victim Services in Idaho

Volume 1, Issue 2

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Study Overview

What is a Sexual Assault Kit (SAK)?

A sexual assault kit contains both physical and biological evidence that is sometimes collected by medical personnel following a sexual assault.

2016 House Bill NO. 528

Required the testing of SAKs, except in circumstances where the victim requests the kit not be tested, the case is not being actively investigated as a crime, or it has been deemed unfounded, as well as new auditing and reporting metrics for any SAK not sent for testing

67% response rate



Survey Sample Characteristics

Policing
Professionals

General perspectives on sexual violence cases & investigations, as well as, information on the policing professional's demographics.

What, if any, effect did HB528 have on investigations of sexual violence crimes across the state?

SAK Study Characteristics

Pre-HB528 SAK

Cases in Study

Total SAK Population

*As of 11.30.2019



Total Cases in Study



All Cases in Sample Pre-HB528



Post-HB528 SAK Cases in Study

07/01/2016 - 06/30/2017



All Cases in Sample Post-HB528



23 out of 100 policing agencies who submitted SAK's to the crime lab are represented in the sample.

Each of the 23 agencies contributed an average of 3 cases to the study, two of which were SAK cases.

Almost one third of participating agencies appeared in both thePre-HB528 subsample & the Post-HB528 subsample.

Pre-HB528: 07/01/2015-06/30/2016

> Post-HB528: 07/01/2016-06/30/2017

Includes non-SAK cases as controls

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Idaho's Sexual Assault Kit Initiative: The Effect of HB528 on Sexual Assault Clearance Rates

Preliminary Findings

Most common crime classification among sample

Rape (60%)

Victims assaulted by friend or aquaintance

61%

Higher prevalence of documented physical injury in Post-HB528 cases and among cases with a SAK compared to those

without one.

Cases with delaved reporting

58%

Officers connecting victims to victim services

at initial response

offered to contact advocate or VWC

referred the victim to those services

> Some said it was not their job to evaluate credibility, just to gather facts

Victim Cooperation

98%

cooperated at the scene

72%

55%

of victims cooperated throughout the investigation

Officer noted victim credibility issues in

48% of cases

Most common issue: victim reluctance to cooperate

No significant

differences on response characteristics

between Pre-HB528 and Post-HB528 cases

Outcomes

Cases where officers noted victim credibility issues were connected to shorter disposition times and had fewer arrest dispositions (32%) than cases without officers noting victim credibility issues (68%)

Average time to case clearance 1 days

Pre-HB528 cases took significantly longer to clear than Post-HB528 cases.

Having a sexual assault kit did not have a statistically significant effect on case

clearance. Policing professionals indicated that the

value of any physical evidence is dependent on the specific characteristics of each case.

Policing Professionals' Perceptions & Use of SAK evidence



reported SAK evidence is very important in sexual violence investigations

> "It is important they all get tested as nobody should have an incident like they experienced occur & it may prevent others from becoming

Factors that contribute to investigator evaluations of victim credibility according to police professionals' perceptions



Characteristics most associated with arrest according to policing professionals' perceptions

SUPPORT

the Test-All statute

Victim Statements	29%	Victim Factors	39%
Corroboration	25%	Physical/Forensic Evidence	29%
Victim Cooperation	18%	Suspect Factors	29%
Prior history of victim and/or suspect	12%	Interviews	4%

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Idaho's Sexual Assault Kit Initiative:

The Effect of HB528 on Sexual Assault Clearance Rates

Below are 6 recommendations following the preliminary study on the effects of Idaho's initial SAK testing statute on sexual violence crimes.





Expansion of Victim Services

It is recommended that the legislature fund an expansion of all forms of victim services in Idaho with particular attention to more rural/remote locations and smaller communities.



Modify Statute 39-6316

Under Idaho statute, it is currently required that, at the time of reporting, policing agencies provide information on available services to victims of domestic violence. It is recommended that this statute be modified to include victims of sexual violence.



Connecting Victims to Services

It is recommended that 39-6316 be modified to require policing agencies to put victims in touch with available services at the time of reporting. Additionally, it is recommended that victim service agencies such as the ICASDV and ICDVVA provide assistance in developing these partnerships between victim service and policing professionals.



Training

In 48% of the cases in our sample, policing professionals noted victim credibility issues, which were shown to have a possible effect on case clearance. Given these findings, it is recommended that all policing professionals receive specialized training on the neurobiological effects of trauma, rape myths, societal stigma faced by sexual violence victim, and active strategies they can use in their response.

Requires resources

to match demand



Continue to prioritize the testing of SAKs

There was overwhelming support for requiring the testing of all SAKs among policing professionals in our survey and a majority of these professionals indicated that forensic evidence was the most critical type of physical evidence in sex crime investigations.

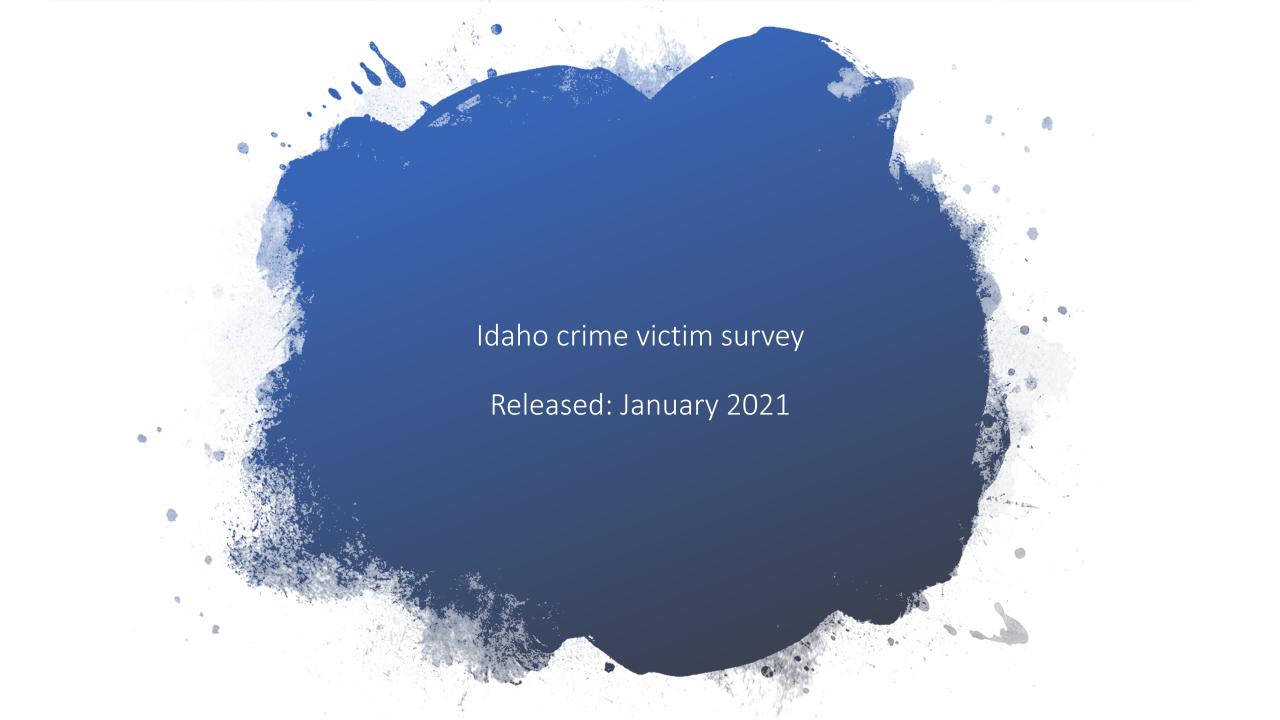


Invest in a Statewide Victimization Survey

Following the major tenants of the National Crime Victimization Survey, it is recommended that the State of Idaho invest in a scientifically-rigorous statewide survey on victimization in Idaho. Due to small sample sizes in locations like Idaho, the national survey does not provide us with local data to understand Idaho residents' experiences with victimization.

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Idaho Crime Victim Survey

2020 Biennial Report on Victimization & Victim Services in Idaho Volume 1, Issue 4

Overview

This survey was deployed in May of 2020, via an online survey platform called Qualtrics. The survey will remain open through 2022 and is available in five languages to include English, Spanish, French, Arabic, & Swahili.

> 103 victim service providers were asked to distribute the victim survey to any clients who contacted their agency for services. Per grant agreement, any agencies that receive VOCA funding are required to distribute the survey.

The survey data were downloaded from Qualtrics on December 1, 2020.



97 total submitted responses



19 responses complete enough for analysis





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Idaho Crime Victim Survey Results

Crime reporting

Top reasons for not reporting



Would report to police if harmed again

66.7%

Reported the crime to the police

Didn't want offender to get in trouble

Afraid of offender

No confidence in the criminal justice system

61.1%

11.1%

27.8%

Yes

No

Not sure

Responses to the services they received, the most helpful services, and the least helpful services.

Services Received Most frequently

benefits

Most helpful services



.6%

4%

Emergency services (food, money, clothing)	52.6%	Named a specific agency	28.
Individual counseling	47.4%	The agency "has been fantastic with safety planning & classes for how to be safe"	
Crisis response	31.6%	Counseling	saie 21.
Assistance obtaining a protection order	31.6%	Emergency Services	21.
Safety planning	31.6%		
Help accessing a job, housing, or public	31.6%		

Least helpful services

Interaction with criminal justice system

6 victims

"The cops explained nothing"

"The prosecutor's office has not kept me informed about anything."

Not applicable

4 victims

"I don't believe anything the agency has help me with has a lesser value. I am eternally grateful for the way they have improved my life."

Specific services

3 victims

They got me compensation info after I had to request it and not one offered to help with it."



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Recommendations

From the Idaho Crime Victim Survey

2020 Biennial Report on Victimization & Victim Services in Idaho Volume 1, Issue 4



Recommendation 1

Continue sharing this survey with victims

- Continue to require VOCA recipients share the survey
- Continue to encourage other crime victim providers to share the survey



Providers can request victim survey information cards from the research team at any time



Recommendation 2

Highlight & advertise the goals and importance of the survey

- gather info from crime victims across the state to improve services
- enable the use of one consistent measure of victim satisfaction & experiences
- remove the responsibility of data collection & analysis from providers



Recommendation 3

Expand the advertisement of the crime victim survey







Media outlets & social media platforms





Recommendation 4

Fund the
administration of
a statewide
victimization survey
in Idaho using the
reliable and
successful design of
the National Crime
Victimization Survey



Recommendation 5

Continue to administer a statewide victimization survey in Idaho on an ongoing basis to provide the most current information



Recommendation 6

Use the findings of the statewide victimization survey to inform policy and practice and improve the experiences and treatment of victims across the state









Biennial Reports Research Team

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